THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO.17542 of 2005

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Dated: 09.08.2005

Between:

Devi Reddy Venkata Reddy S/o Ramachandra Reddy Sarpanch,
Jammalamadaka GramPanchayat, Mundlamur Mandla, Prakasam District

..... PETITIONER

AND

1 The District Collector (Panchayat Wing) Ongole,

Prakasam District and two others.

....RESPONDENTS

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

-

WRIT PETITION NO.17542 of 2005

ORDER:

Challenging the proceedings in Roc.No.1154/2004(Pts)A1, dated 01.09.2004 issued by the 2nd respondent, the petitioner filed the present writ petition.

The case of the petitioner, in brief, is that he was elected as Sarpanch of Jammalamadaka Grampanchayat in the month of August, 2001. While so, the 2nd respondent, at the behest of local MLA and his supporters, without any basis and valid reasons, issued the impugned proceedings calling upon the petitioner to

submit his explanation within 15 days, and withdrawing the cheque power of the petitioner pending final orders in the matter under Rule 42(1) of the Rules issued in G.O.Ms.No.30, Panchayat Raj and Rural Development (relief) Department, dated 20.01.1995 on the ground that the petitioner had misappropriated the funds of the Grampanchayat. The grievance of the petitioner is that even though he submitted a detailed explanation to the impugned proceedings within time, the 2nd respondent has not passed any final orders in the matter so far. Hence, the present writ petition has been filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj and Rural Development.

Having considered the facts and circumstances of the case, and having regard to the fact that the petitioner has already submitted his explanation to the impugned proceedings, without going into the merits of the matter, I deem it appropriate to dispose of the writ petition with the following directions.

The 2nd respondent is directed to conduct the enquiry, said to be pending against the petitioner, and pass appropriate orders in accordance with law within a period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that if no enquiry is conducted and final orders are passed as indicated above, the impugned proceedings will stand suspended.

With the above direction, the writ petition is disposed of. No order as to costs.

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(ELIPE DHARMA RAO, J)

Date: 09.08.2005

Note:

Issue CC in three days.

(B/O)

Nsr